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September 12, 2016

The Honorable Esther Kia'aina  
Assistant Secretary for Insular Areas  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Assistant Secretary Kia'aina,

I write to request your assistance regarding the continued challenges on Guam relating to the Compacts of Free Association. As you know, Governor Calvo has removed, with local funds, several migrants who have been convicted of crimes and were incarcerated at the Guam Department of Corrections. The Governor indicated that Guam can no longer assume responsibility for these individuals and has used his executive authority to commute their sentences provided that migrants agree to return to their country of origin and not return to Guam.

I believe that the federal government should do more to address the continued fiscal challenges the Compacts place on the affected jurisdictions, and that there should be an increased focus on removing individuals who have been convicted of crimes back to their country of origin, the same as how the Department of Homeland Security (DHS) focuses on the removal of citizens from other nations on the mainland. I request your assistance in establishing a meeting with relevant federal agencies and the Embassies of the FAS governments to discuss policy options to manage and remove individuals in the United States pursuant to the Compacts of Free Association who are convicted of crimes. In particular, I would ask that the Departments of State and Homeland Security be included in this meeting since they are critical to implementing any meaningful policy going forward, as well as the Ambassadors from the Embassies of the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau. I continue to support the intent of the Compacts, but individuals who are convicted of crimes have violated this intent and should no longer be allowed in the United States.

I have greatly appreciated your leadership on this issue and I believe that an intergovernmental agreement can be developed between the U.S. and the FAS to allow FAS citizens convicted of crimes in Guam to serve out their sentence in their nation of origin. Similarly, any U.S. citizen who commits a crime in the FAS would be returned to the U.S. Such an agreement would require the FAS to certify a criminal's continued incarceration to ensure that justice is served. Further, FAS migrants who are convicted of serious crimes or repeat offenders should be barred from returning to the U.S. I recognize the challenges in coordinating such an agreement as well as the costs associated with enforcing such a policy but we cannot let these bureaucratic hurdles stop us from achieving this overall goal.

Such an agreement would be consistent with the Compacts in that migrants are required to abide by U.S. laws that apply to all of our residents. Specifically, the Compact of Free Association Amendments Act of 2003 (P.L. 108-188) allows for citizens of the Freely Associated States (FAS) to be admitted into the U.S. “to lawfully engage in occupations, and establish residence as a nonimmigrant.” Violations of law by some who have come into our country undermine the Compacts and do not reflect the many positive contributions that law-abiding FAS migrants make to our communities.

I appreciate your attention to this issue, and look forward to working with you to improve the administration of the Compacts in Guam and other affected jurisdictions. Should you have any questions, please have your staff contact my Communications Director, Adam Carbullido, at [adam.carbullido@mail.house.gov](mailto:adam.carbullido@mail.house.gov) or at 202-225-1188.

Sincerely,

  
MADELEINE Z. BORDALLO  
Member of Congress